

ORDINANCE NO. 2014-32

AN ORDINANCE ADJUSTING CERTAIN RATES AND CHARGES FOR THE USE OF AND SERVICES RENDERED BY THE SEWAGE WORKS SYSTEM OF THE TOWN OF WHITESTOWN, INDIANA, PURSUANT TO ITS INDIANAPOLIS SEWER RATE TRACKER

WHEREAS, the current schedule of rates and charges for the sewage works of the Town of Whitestown, Indiana (the "Town") is set forth in Ordinance No. 2008-20, adopted by the Town Council of the Town (the "Council") on December 9, 2008, as subsequently amended by the Town pursuant to the hereinafter defined Tracker (Ordinance No. 2008-20, as amended, the "Rate Ordinance"); and

WHEREAS, the Rate Ordinance includes the Indianapolis Sewer Rate Tracker (see Exhibit A, Section 3G thereof) (the "Tracker") pursuant to which the Town is entitled to recover through its rates and charges changes in costs to the Town for the wholesale sewer services provided by Indianapolis (now CWA Authority, Inc., as successor to Indianapolis, herein "CWA") to the Town; and

WHEREAS, pursuant to the order of the Indiana Utility Regulatory Commission in Cause No. 44305 dated April 23, 2014, the CWA sewer rates and charges will increase by a total of 26.69% in two phases, which increase will be reflected in the Town's costs for wholesale sewer services from CWA ("Citizens' Rate Increase"); and

WHEREAS, the Council finds that, pursuant to the Tracker and based upon the advice of its financial advisor, Reedy Financial Group P.C., certified public accountants, the commodity charge portion of rates for metered and non-metered customers of the sewage works should be adjusted to reflect a portion of said additional costs to the Town for wholesale sewer service from CWA; and

WHEREAS, the Council finds that the rates and charges of the Town's sewage works, as hereby amended in accordance with the Tracker, are based upon the cost of providing service to the customers of the sewage works and will enable the Town to meet its revenue requirements under the provisions of Indiana Code 36-9-23, et. seq.; and

WHEREAS, the Council previously adopted Ordinance 2014-18, adjusting the rates and charges of metered customers of the Town's sewage works related to the Citizens' Rate Increase pursuant to the Tracker; and

WHEREAS, the Council desires to correct Ordinance 2014-18 to provide for and include the appropriate adjustment to the commodity charge portion of the sewer rates and charges for non-metered customers in accordance with the Tracker and Citizens' Rate Increase, and adjust the metered commodity charge consistent therewith.

NOW THEREFORE, be it ordained by the Town Council of the Town of Whitestown, Indiana that:

Section 1. The commodity charge schedule for metered sewage works customers of the Town as set forth in Section 3B of Exhibit A of the Rate Ordinance is hereby amended and restated as follows:

B. Additional Commodity Charge for Metered Users

In addition to the minimum service charge set forth in Paragraph A, all metered users shall pay a commodity charge based upon the user's actual monthly usage, in the amount of \$5.02 for every incremental One Thousand (1,000) gallons of monthly consumption. By way of example, a user with between 4,001 and 5,000 gallons of monthly consumption will pay an additional commodity charge in the amount of \$25.10.

Section 2. The monthly rates for non-metered users of the sewage works as set forth in the first paragraph of Section 3D of Exhibit A of the Rate Ordinance is hereby amended and restated as follows:

D. Monthly Rates for Non-Metered Users.

All non-metered users shall pay monthly rates based upon the total estimated equivalent flows of that user. Each user shall pay \$64.19 per month for each Equivalent Dwelling Unit ("EDU") of anticipated wastewater flow. For example, a user who produces an estimated three (3) EDUs of wastewater shall incur a monthly consumption charge of \$192.57. Single-family dwellings shall pay a monthly user rate based upon an anticipated wastewater flow of one (1) EDU. In no event shall any single connection be judged to be less than one (1) EDU.

. . .

Section 3. All other provisions of the Rate Ordinance shall remain in full force and effect. All parts of ordinances in conflict with this Ordinance, including but not limited to Ordinance No. 2014-18, are superseded.

Section 4. This ordinance shall be in full force and effect from and after its passage, provided that the adjusted rates shall go into effect for all bills rendered after December 1, 2014.

Section 5. The provisions and rates of this Ordinance are severable. In the event any one or more of the provisions contained in this Ordinance should be held illegal, invalid, or unenforceable in any respect, the validity, legality, and enforceability of the remaining provisions contained herein, and/or the prior ordinances of Whitestown shall not in any way be affected or impaired and shall remain in full force and effect. Furthermore, to the extent a rate in

this Ordinance is declared invalid, the higher of a valid rate or the original rate or fee previously established by Whitestown shall be effective and/or retroactive as though unaltered herein.

Passed and adopted by the Town Council of the Town of Whitestown, Indiana on this _____ day of _____, 2014.

THE TOWN COUNCIL OF THE
TOWN OF WHITESTOWN, INDIANA

YAY/NAY

Eric Miller, President

Julie Whitman, Vice President

Dawn Semmler, Member

Susan Austin, Member

Kevin Russell, Member

ATTEST:

Amanda Andrews, Clerk-Treasurer
Town of Whitestown, Indiana

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